

Delegated Report		Analysis sheet	Expiry Date:	24/04/2024
		N/A	Consultation Expiry Date:	14/01/2024
Officer		Application Numbers		
Blythe Smith		2023/5407/P		
Application Address		Drawing Numbers		
Flat A 23 Hampstead Lane London N6 4RT		Please refer to the decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Erection of outbuilding				
Recommendations:	Refuse Planning Permission			
Application Types:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	14	No. of objections	14
Summary of consultation responses:	<p>The application was advertised in the local press on 29/02/2024 and 25/07/2024, and a site notice was displayed on 28/02/2024 and 26/07/2024</p> <p>14 letters of objection were received from the owners/occupiers on the following grounds (summarised):</p> <ol style="list-style-type: none"> 1. Impact on the character and appearance of the surrounding area/conservation area 2. Potential use for short-term rental accommodation 3. Impact and amenity through noise and loss of privacy 4. Rearrangement of the internal floor plans of the host property 5. Unauthorised cutting of trees 6. Light pollution from the outbuilding 7. Construction starting before approval 8. Impact on property values <p>Officer Response to points above</p> <ol style="list-style-type: none"> 1. Section 3 assesses the development's suitability in relation to the local area and the conservation area. 2. The applicant has not suggested that the property will be used for anything other than a C3 dwellinghouse. 3. Impact on amenity is assessed within section 4. 4. The internal arrangement of a non-listed property is not a planning concern. 5. Impact on trees is within section 5. 6. An outbuilding of the proposed size would not significantly increase light spillage to neighbouring residents. 7. Starting construction prior to a planning application being assessed is not unlawful; however, this carries the risk of enforcement action if the application is refused. 8. Property values are not a planning consideration. 					

CAAC/Local Area groups comments;

The Highgate CAAC objected based on the below points

1. Block plans inaccurate
2. More than 50% of the rear garden would be built on
3. No tree report submitted
4. Outbuilding should not be used for habitable accommodation
5. Development should not have drainage/electricity/gas supply
6. Details of insulation
7. If the application is to be granted, then there should be a green roof.

Officer Response

1. Block plans had been updated to reflect the split garden of No. 23a and 23b as part of the application.
2. As part of the revisions the outbuilding had been reduced and would not occupy 50% or more of the garden
3. Assessed within section 5
4. If approved, the outbuilding would be conditioned to ancillary to the dwelling of 23a Hampstead Lane
5. This is not a planning consideration
6. This is not a planning consideration
7. Noted

The application had been revised, and the Highgate CAAC provided the updated objections.

Highgate CAAC continues to believe that applications 2023/5407/P and 2023/5037/P should be considered together. (It would have been much better had the two proposals been combined into one application.)

In particular,

- whether the two applications are consistent with each other;
- whether the boundaries with neighbouring properties are correctly shown;
- whether a reasonable % of the original garden space remains, taking both applications together;
- that there should be a condition that the new structure should not be used to facilitate letting, e.g. via Airbnb and similar;
- that neighbours' comments and amenity should be considered in both cases.

Officer response:

1. Each application is assessed on its own merits. If the applicant submits another application for a different development, they will be assessed separately; however, the cumulative impacts can be considered.
2. The updated boundaries are considered to be sufficiently accurate
3. It is considered that a sufficient percentage of the rear amenity space would remain
4. If approved, the outbuilding would be conditioned to be ancillary to the dwelling; the applicants have not suggested that the development would be used for short-term lettings.
5. Neighbours concerns have been assessed within the section above.

Site Description

The application relates to the lower ground floor flat of no.23 Hampstead Lane, which is a three-storey plus basement terraced building. The building is situated on the southern side of Hampstead Lane and is noted as a positive contributor to the Highgate Village conservation area appraisal.

As shown when comparing the aerial view and Site Location Plan, the rear garden has been subdivided with the upper floor flat so that the application site has only a small section of rear garden.



Figure 1 Aerial view

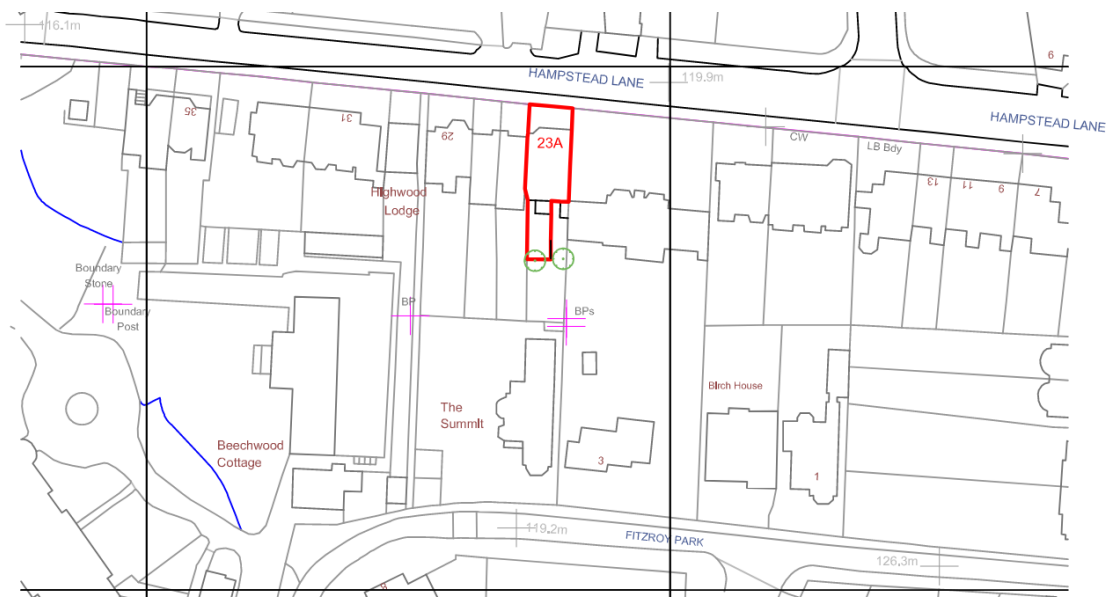


Figure 2 Site Location Plan

Relevant History

Application site

2016/0064/P - Single-storey rear extension to include a green roof, 4x roof lights and lightwell with associated landscaping at the rear garden to lower ground floor flat – **Granted – 15/03/2016**

2010/4066/P - Installation of replacement window on front elevation for basement level flat (Class C3) – **Granted – 21/09/2010**

2008/0805/P - Retention of existing railings associated with the use of flat roof at rear first floor level as a terrace. – **Granted - 04/04/2008**

2023/5037/P - Lower ground floor rear extension. – **Granted - 25/07/2024**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- Trees CPG (March 2019)

Highgate Neighbourhood Plan

- DH2 Development Proposals in Highgate's Conservation Areas
- Policy DH10: Garden land and Backland Development

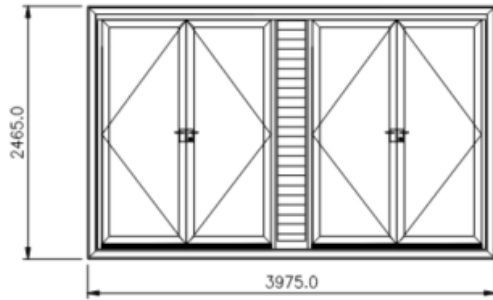
Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

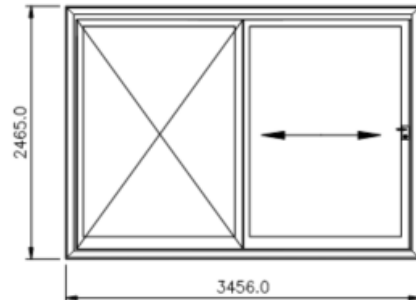
1. Proposal

1.1 Planning permission is sought to erect a new outbuilding to the rear garden of the application site.

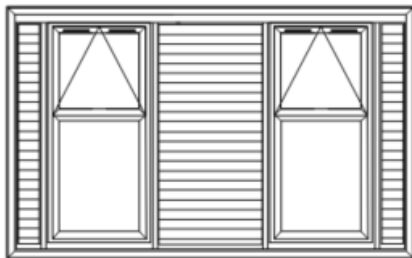
1.2 The outbuilding would measure 3.97m wide and 3.45m deep. It would feature a flat roof measuring a maximum height of 2.46m. It would be clad in timber with significant glazing on three sides.



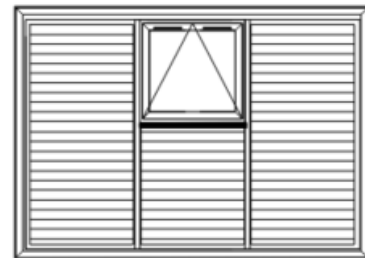
FRONT ELEVATION F-F
SCALE 1:50



SIDE ELEVATION L-L
SCALE 1:50



REAR ELEVATION B-B
SCALE 1:50



SIDE ELEVATION R-R
SCALE 1:50

Figure 3. Proposed elevations

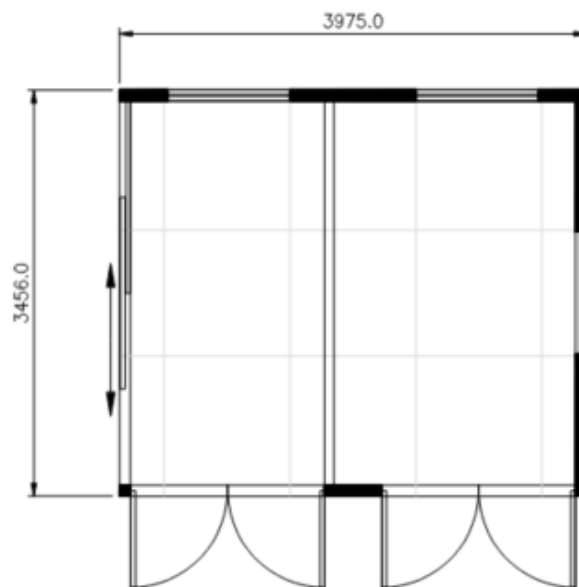


Figure 4 Proposed floor plan



Figure 5. CGI of proposal

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring amenity
- Trees and landscaping

3. Design and Heritage

3.1 The Council's design policies aim to achieve the highest design standard in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the area's function, appearance, and character. Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

3.2 The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to

pay special attention to the desirability of preserving or enhancing the conservation area's character or appearance.

- 3.3 The proposed outbuilding would be located within the application site's rear amenity space. Due to the site's topography, the rear garden is split into two sections: "upper" and "lower." The outbuilding would be located within the "upper" portion. Permission has recently been granted under reference 2023/5037/P for a single-storey rear extension that would occupy most of the "lower" garden.
- 3.4 Due to the ground levels at this property, the outbuilding's location would add to its prominence when viewed from private gardens. The proposed outbuilding is substantial, and due to its size and position in the garden, it would result in the loss of the sense of openness in the back garden. The design, in white render, is not appropriate for the garden setting in Hampstead Conservation Area. Given the proposed outbuilding's design, size, and location, it would be an overly dominant and visually overwhelming development.
- 3.5 The proposed outbuilding is considered excessively large for this domestic setting and out of proportion to the main dwellinghouse and surrounding area. Although not visible from the public realm, it represents the unsympathetic overdevelopment of the private garden space and Hampstead Conservation Area.
- 3.6 The outbuilding's design, with its considerable glazing, lack of green roof, and modern finishes, does not integrate well into the rear garden context. Typically, outbuildings in conservation areas take a more traditional character and appearance akin to ancillary garden structures to blend in with the context.
- 3.7 There is one other outbuilding in the gardens of Hampstead Lane near the site at 25 Hampstead Lane. In 2022, it was granted a lawful development certificate under reference 2021/6130/P. This outbuilding was permitted to develop under and was not assessed against development plan policies. It also occupies a more extensive garden that has not been subdivided.
- 3.8 Therefore, due to its size, bulk, and location, the proposal would represent an overbearing addition that would cause unacceptable harm to this site's domestic setting and the character and appearance of the conservation area. There are no public benefits that would outweigh the less than substantial harm identified in the conservation area.

4. Neighbouring Amenity

- 4.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2 The proposed outbuilding would have windows facing Nos. 23b and 25 Hampstead Lane, which could result in harmful overlooking of these garden spaces. As such, if the application were otherwise considered acceptable, a condition would be added to require these windows to be obscure glazed.
- 4.3 The outbuilding's size and location are considered unneighbourly. It is an overbearing structure when viewed from the adjacent gardens of No. 23 and 25 Hampstead Lane which not only is inappropriate in terms of urban design principles and impact on the conservation area as discussed in the previous section but in the same way also detracts from the setting of neighbouring gardens and the occupant's enjoyment of them. It is therefore undesirable on amenity grounds and policy A1; however, the amenity impact itself is not considered harmful enough to warrant a separate reason for refusal.

5. Trees and landscaping

- 5.1 Policy A3 of the Local Plan states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation, and it requires that the retained trees and vegetation are satisfactorily protected during the demolition and construction phase of development. It also advises that where the proposed development has justified the harm to the trees or vegetation it is expected that development should incorporate replacement trees or vegetation.

5.2 The site contains several small trees to the rear boundary of the site and within neighbouring gardens; these would be close to the proposed outbuilding. An arboricultural report was not submitted as part of this proposal. All trees within 10 metres of the development should be identified on a Tree Constraints Plan, and an Arboricultural Method Statement should be provided to demonstrate any required mitigation measures. In the absence of information to demonstrate otherwise, the Council cannot assess the possible impact on nearby trees and vegetation and what protective measures should be taken to safeguard against damage during and after work. More information is needed, and this forms a reason for refusal.

5.3 In terms of biodiversity loss, the outbuilding will not leave ample space to attract wildlife and given the amount of area paved in the rear garden, the proposal would not support biodiversity. No green roof is incorporated on the flat roof to offset the loss of garden space in terms of biodiversity.

5.4 Overall, due to the failure to demonstrate the adequate protection of trees, the proposal fails to comply with policy A3 of the 2017 Local Plan.

6. Recommendation

6.1 Refuse Planning permission for the following reasons:

1. The proposed outbuilding by reason of its siting, scale and design, would dominate the rear garden of the host property and detract from the open setting of neighboring gardens, failing to appear as a subordinate garden addition and detracting from the character and appearance of Hampstead Conservation area, contrary to Policies A1, D1 and D2 of the Camden Local Plan 2017 and policy DH1 of the Highgate Neighbourhood Plan 2018.
2. The proposed development would fail to demonstrate that the existing trees on and off-site would be adequately protected, contrary to policy A3 of the London Borough of Camden Local Plan 2017.